

## **REMARKS**

This is a full and timely response to the non-final Office Action mailed August 11, 2008. The Applicants have amended claims 1, 9, 17, 25, 26 and 28 - 31 as indicated above. Upon entry of the amendments above, claims 1 – 31 remain pending. The Applicants respectfully request that the application and all pending claims be reconsidered and allowed.

### **I. Change of Attorney Docket Number**

In future correspondence, please reference the application with Attorney Docket No. 03101.1040 instead of 03001.1040.

### **II. Objection to Claim 31**

The Office Action objects to claim 31 based on the following informality: “Claim 31 cites as being dependent upon itself which appears to be a typo.” The Applicants have amended claim 31, as suggested by the Examiner, to correct this inadvertent error by clarifying that the claim depends from independent claim 30. Accordingly, the Applicants respectfully request that the objection be withdrawn.

### **III. Rejection Under 35 U.S.C. 112, Second Paragraph**

The Office Action rejects claims 17 - 24 and 30 – 31 under 35 U.S.C. 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regards as the invention. The Office Action alleges that independent claim 17 (and dependent claims 18 – 24) presume to invoke 35 U.S.C. 112, sixth paragraph and rejects the claims on the basis that “there is no corresponding structure disclosed

for ‘creating’ a recovery account, nor any corresponding structure for ‘setting’ a balance on the account.” The Office Action rejects claim 30 (and dependent claim 31) on a similar basis, alleging that “there is no corresponding structure disclosed for ‘creating’ a recovery account, nor any corresponding structure for ‘setting an open to buy’ amount on an account.”

The Applicants respectfully submit that the subject matter recited in each of these claims is clearly and distinctly described in the specification in accordance with 35 U.S.C. 112, second paragraph. To specifically address the allegation in the Office Action that the features of “creating a recovery,” “setting a balance,” and “setting an open to buy” are presumed to invoke 35 U.S.C. 112, sixth paragraph and that the specification does not recite any corresponding structure, the Applicants respectfully submit that the specification describes various embodiments of specific structures for implementing these features in connection with FIG. 5. The specification describes a structural implementation of a computer system 500 for administering debt recovery accounts and implementing one or more of the features of the systems and methods described and illustrated in FIGS. 1 – 4. The subject matter recited in at least Paragraphs 37 – 42 sufficiently describes, in accordance with 35 U.S.C. 112, second paragraph, various embodiments of computer structures for implementing the claimed features of “creating a recovery,” “setting a balance,” and “setting an open to buy.”

By way of example and without limitation, the specification describes, as follows, in Paragraphs 37 and 38:

FIG. 5 shows a computer system 500 for administering debt recovery accounts. The computer system 500 includes a computing platform 510, a system interface module 520, an applications module 530, and an application data source 540. The computer system 500 supports one or more users for executing administrative processes related to the debt recovery accounts. The systems and methods described above with regard to FIGS. 1-4 may be implemented in whole or in part with a variety of computer

systems. Computer systems for administering credit accounts are well-known and modification to implement the features described above is a matter of routine operation dependent on the particular platform, need for system integration, and the preferences of the implementer.

The computing platform 510 includes a processor 512, memory 514, and an operating system 516. The computing platform 510 instantiates and executes program instructions to provide data management, calculation, and communication functions. Common computing platforms for financial applications include personal computers (desktops, laptops, tablets, etc.), servers, clusters, and mainframes. Other computing platforms include personal digital assistants, cellular telephones, game systems, media systems, embedded systems, wearable computers, and special purpose computers (cash registers, ATMs, routers, medical systems, etc.). The computing platform 510 executes the instructions of one or more applications from the applications module 530 to operate on data from the application data source 540. Input, output, and other communications are provided through the system interface module 520.

This is clear and adequate recitation of possible structures for implementing the claimed features of “creating a recovery,” “setting a balance,” and “setting an open to buy.” Therefore, assuming that these claims do invoke 35 U.S.C. 112, sixth paragraph as alleged by the Office Action, the specification clearly describes various embodiments of corresponding structures for performing these features. For at least this reason, the Applicants respectfully submit that the claims comply with 35 U.S.C. 112, second paragraph and, therefore, the rejection should be withdrawn.

#### IV. Rejection Under 35 U.S.C. 101

The Office Action rejects claims 1 – 8 and 29 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. Regarding claims 1 – 8, the Office Action alleges that the methods are directed to non-statutory subject matter because the methods are neither tied to a machine nor do the methods transform an article of manufacture. The Applicants have amended

independent claim 1, as indicated above, to clarify that the method is at least partially implemented by a computer system. Independent claim 1, as amended, is therefore tied to a machine – a computer system. For at least this reason, independent claim 1 (and dependent claims 2 – 8 that depend therefrom) clearly meet the machine/transformation test outlined by the Federal Circuit in *In re Bilski* because the recited method is tied to a machine. Accordingly, the Applicants respectfully request that the rejection of claims 1 – 8 be withdrawn.

Regarding claim 29, the Office Action alleges that the claim is directed to non-statutory subject matter because the recited logic is not functionally and structurally tied to a medium. The Applicants have amended claim 29, as indicated above, to recite that the claim is directed to a computer program embodied in a computer-readable medium and executable by a processor. Claim 29, as amended, is clearly directed to patent-eligible subject matter because the logic is both structurally and functionally tied to a computer-readable medium and the logic is executable by a processor. Accordingly, the Applicants respectfully request that the rejection of claim 29 be withdrawn.

#### IV. Rejections Under 35 U.S.C. 102 and 103

The Office Action rejects claims 1 – 4, 6, 9 – 12, 14, 17 – 20, 22, 25 and 28 – 29 under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0123962 to Bryman *et al.* (“Bryman”). The Office Action rejects the remaining claims (claim 5, 7, 8, 13, 15, 16, 21, 23, 24, 26, 27, 30 and 31) under 35 U.S.C. 103(a) as allegedly being unpatentable over Bryman in view of Official Notice or one or more additional references.

The Applicants respectfully submit that each of the independent claims are patentable over the cited references because they recite features or elements that are not disclosed, taught,

or suggested by the references. For at least this reason, the rejections should be withdrawn and the claims allowed.

Independent claims 1, 9, 17, 25, 26 and 28 – 30, as amended, are directed to various systems, methods, and computer systems that include the feature of a recovery credit account having a **single credit account** that comprises a credit balance based on a charged-off credit account balance. Each claim further recites that the single credit account is **not a debt account** and **does not have a debt balance record**. The value of the opening credit balance is based on the charged-off credit account balance, and the opening credit balance represents the entire debt obligation of the customer because it only comprises a single credit account. Unlike existing recovery credit solutions, none of the charged-off credit account balance is applied to a debt balance because the credit account is not a debt account nor does it have an associated debt balance. The claimed recovery account does not allocate a portion of the charged-off credit account balance to a separate debt balance.

Bryman merely teaches a conventional two-record reaffirmation credit account, such as those described in the Background of the present application. Such two-record solutions, unlike the claimed credit accounts, comprise **both a credit balance and a corresponding debt balance**. When the reaffirmation credit account is established, the charged-off credit account balance is split between two separate records – a credit balance record and a debt balance record. As the customer makes payments to the reaffirmation credit account, the payments are applied to both the credit balance and the debt balance. Thus, credit account is required to separately maintain both the credit balance record and the debt balance record. Unlike such two-records solutions, the claimed credit account is not a debt account and does not have a debt balance. The claimed

credit account maintains a single credit record without regard to an associated debt balance record.

The Office Action appears to argue that the combination of the two records (record 1 plus record 2) in the Bryman approach teaches a credit account that is not a debt account and which does not have a debt balance. This is a clear misinterpretation of Bryman. In Bryman, record 1 is a credit line account record 152 and record 2 is a preexisting debt account record 154. Any combination of these two records still includes a debt record. Furthermore, Bryman clearly teaches that a two-record approach is required and, therefore, specifically teaches away from the claimed approach. The claimed account specifically does not include a debt record. It only includes a credit record. Therefore, Bryan does not disclose, teach, or suggest a recovery credit account having a single credit account which does not have not a debt balance and in which the opening credit balance represents the entire debt obligation of the customer.

For at least this reason, the rejection of independent claims 1, 9, 17, 25, 26 and 28 – 30 should be withdrawn and the claims allowed. The rejection of the dependent claims should also be withdrawn and the claims allowed for at least the reason that these claims include all of the elements of the corresponding base claim. Accordingly the Applicants respectfully request that the rejection of claims 1 – 31 be withdrawn and the claims allowed.

### **CONCLUSION**

For at least the reasons set forth above, the Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1 – 31 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are requested. If in the opinion of the Examiner a telephonic conference would expedite examination of this application, the Examiner is invited to call the undersigned attorney at 813-382-9345.

Respectfully submitted,

/Adam E. Crall/

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### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System on the date indicated below.

Date: November 10, 2008

/Adam E. Crall/

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Signature